



NATIONAL MEDIATION BOARD

WASHINGTON, D.C. 20572

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40 NMB No. 61

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Re: NMB Case No. R-7353 (CR-7043)
UAL/TWU/IBT

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Participants:

Unusual circumstances warrant waiving certain time limits previously issued in this case.

The services of the National Mediation Board (Board) were invoked by the Transport Workers Union of America (TWU) on May 31, 2012, to investigate and

determine who may represent for the purposes of the Railway Labor Act (RLA)¹, as provided by Section 2, Ninth, thereof, personnel described as “Flight Simulator Technicians,” employees of United Air Lines, Inc. (Carrier). At the time this application was received, these employees were represented by TWU at pre-merger Continental Airlines and by the International Brotherhood of Teamsters (IBT) at pre-merger United where they were part of the Mechanics and Related Employees craft or class.

On January 15, 2013, the Board issued a single carrier determination and also determined that the proper craft or class for the employees at the merged Carrier is Flight Simulator Technicians. *United Air Lines/Continental Airlines*, 40 NMB 93 (2013). Incumbents and intervenors were granted 14 days² from the date of that determination to file an application supported by the requisite showing of interest. Upon request by TWU, the Board granted an extension, ruling that it would not address the representation consequences of its single carrier determination before March 4, 2013. There have been no subsequent submissions by the participants.

IBT filed an application to represent the Mechanics and Related Employees at the Carrier on September 13, 2012. IBT represented Mechanics and Related Employees at both pre-merger carriers. At the time the application was filed, the Mechanics and Related Employees craft or class at pre-merger United included Flight Simulator Technicians. The Board recently issued a single carrier determination in that case, reiterating that Flight Simulator Technicians are no longer part of the Mechanics and Related craft or class. *United Air Lines/Continental Airlines*, 40 NMB 205 (2013).

On February 14, 2012, the RLA was amended to require that the Board “shall not direct an election or use any other method to determine who shall be the representative of such craft or class unless the Mediation Board determines that *the application is supported by a showing of interest from not less than 50 percent* of the employees in the craft or class.” Section 2, Twelfth (emphasis added). The Board has not received an application to represent the Flight Simulator Technicians supported by a 50 percent showing of interest. TWU failed to support its application as set forth in the RLA and the Board’s Rules. Section 2, Twelfth; 29 C.F.R. § 1206.2(a).

TWU filed its application to represent the Flight Simulator Technicians prior to changes in Board Rules to conform with the amendment to the RLA mandating a 50 percent showing of interest and was one of the first applicants under the new requirements. IBT did not file an application to represent the Flight Simulator

1 45 U.S.C. § 151, *et seq.*

2 The Representation Manual has since been amended to allow incumbents and intervenors 30 days to file an application. See Representation Manual Section 19.602.

Technicians in this case but did file an application to represent those employees who were part of the Mechanics and Related Employees craft or class at pre-merger United. Because of possible confusion resulting from these factors and in order to fulfill its obligation to determine the representative of the Flight Simulator Technicians, the Board will accept an application supported by the requisite showing of interest for 30 days from the date of this determination.

This determination serves as a reminder that the Board is unable to authorize an election following a merger unless it receives an application supported by a 50 percent showing of interest. If the initial applicant has an insufficient showing of interest, the Board will dismiss the application unless an incumbent or intervenor files an application pursuant to Manual Section 19.602.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson
General Counsel